opposition. Last year he wrote an article on the abuse of medical charity and the pasperizing effects of too general treatment at the nospitals and dispensaries that stirred up a cornets' nest of retort. The resulting state of things he regarded as one of the main causes militating against the success of the general practitioner, another being the rise odge doctor. In a recent issue of the Medical Record Dr. Hillis has an article upon the subect entitled "The Lodge Doctor: His Advent. His Methods, and His Influence on the Practice of Medicine." It is but fair to the writer to state that his position is such that the combination medical practice of which he complains so bitterly works no hardship to himself. It is on behalf of the profession in general and of those to whom he believes harm is being done that he addresses himself to physicians.

Dr. Hillis's article is in fictional form, and opens by introducing a physician who is about commit suicide, but is hauled out of the water and relates to his rescuers the causes which led him to attempt his own life. In his stor; Dr. Hillis embodies his own views, and he declares that there is not an incident nor a statement in the story which he cannot back up with a parallel case from actual life. The unfortunate hero of the tale, Dr. Gee, describes himself as having been ruined by a young lodge doctor, Dr. Quick, medical director of the linights of the Golden Rod, who undermined his practice by unprofessional methods while he himself was away for his health. Dr. Gee is then made to analyze the ledge doctor as a species and his rival as a good example of the species. He says:
"Before the civil war little was known of the

lodge doctor. True, he had a vicacious existonce but was soldom heard of by the general public. Now, however, he is very much in evidence. During the last few years sociaties bave crannized and increased with great rapidity. kingmen and mechanics, believing that their interests lay in a closer union, banded themselves together into clubs, courts and elreles-various names to designate the same thing, but under whatever name their purpose is always the same. These bodies of laborers, artisans and mechanics have full lists of officers from President down to the negro camp for Obscure among those officers is the ledge doctor, who in a number of lustances must be a member of the circle over which he beathe honor to preside as medical director. Sometimes two or three societies club their interests and have one between them. Seldom, however, is this necessary, as doctors are so plentiful, especially poor ones, that their services can be had for a pittance-yes, the merest

"These lodges secure the services of only the inexperienced and raw recruits, old soldlers refusing to enlist under their banner or serve in their ranks. They procure the services of ledge doctor at the lowest possible figure, and often barter for months and close the sale by knocking the medical directorship down to the lowest bidder, regardless of 'qualification or other attribute. They secure the cheapest talent in the market; they get just what they

The speaker proceeds to recount the methods by which Dr. Quick first gets himself appointed to the medical directorship of the Knights of the Golden Rod, and then ingratiates himself with their families, striving always to oust the family doctor from his position by implying that he is old-fashioned and wants too much for his services. The manner in which the author handles this part of the story is not calculated to inspire feelings of joyful gratitude in the breasts of the many lodge doctors of this vicinity. In fact, Dr. Quick is held up to ridicule and contempt in a manner that might be regarded as coming well within the limits of the law of libel were he a real character. The author next introduces another physician who has been driven out of business by the villainous and highly successful Quick. and he sums up the case against the lodge doc tor as follows:

Before the advent of this todge doctor, the thing of value, family physician had a hearty welcome and an , the reply. open door through every avenue of society, from the lower to the higher walks of his; his professional fee was established by custom and dreumstances incidental to the individual case, east in the crucible of popular traditions and sealed by the usages of ages. This man, like a disgruntled Malay of the archipelago, runs amuck with professional eliquette, tramples under foot its cherished traditions, and plays harl-kari with its laws and customs; h ternizes at lodge reunious with every Tom. Dick and Harry, and for patronage fishes in theap cales after midnight with riotous ladheap cales after midnight with rictous la-cers, accounting them as his friends who ve labelled themselves as estensible knights, iming kindred with chivalrous herees of rendary renown. This conduct on his part ist be fatal to the interests of a profession lose claim to public confidence has heretofors ted on courtesy, intelligence, and self-sacri-e, before the advent of this lodge doctor and whis numerous imitators outside of lodge cles.

when we consider," continues the writer.
"that there are hundreds of Dr Quicks at-When we consider, continues the writer. That there are hundreds of Dr. Quicks attached to helpes in every great city of the Urson, and that they are fulfing over each other in their indecent haste to be first in the race for popular favor, we must recognize that the influence that they exercise over the practice of the licine is potent for evil. They are opposed to the existing order of things in the old medical cump, and rebel against its peace and proseperty. It is piain, with those thousands of ledge doctors scattered everywhere, and the lodges themselves at work scooping in everything in sight, from a bank President to a hotel runner, that the days of the old-fashioned family practitioner are numbered, and that he will be it time to come as rare as an ethnological specimen of a prenistoric age."

A SUN reporter called on Dr. Hillis at his home in Chariton street in regard to this article which has aroused a great deal of comments in the medical profession. The doctor is a man of fifty, who has acquired a competence in many years of practice and now devotes much of his time to writing on medical subjects.

"That story was written," said he, "with the

much of his time to writing on medical subjects.

"That story was written," said he, "with the
purpose of calling the attention of physicians to
a growing evit which threatens the dignity and
worth of the entire profession. There isn't a
word of it that is untrue or exaggerated. I do
not mean by that that old and well-known doctors are actually attempting suicide, but that
the main points of the story are true. The
long doctor is a menace alike to the young
physician who is trying to make his way by
honorable means and to the established practitioner whose practice he treacherously undermites. Now, understand, I don't say that all
longs doctors are Dr. Quicks, but the great majorsty are, and he stands as a fair type of the
class.

"The electric stands as a fair type of the

iss.

The class is made up of young doctors who estarting out in practice and old doctors who estarting out in practice and old doctors who estarting out the presents the tail end of the ofession. The first-class doctor docent' hirometrical out to be the servant of any organization of the control of the c profession. The first-class doctor doesn't hirolimited out to be the servant of any organization. These fellows can't expect to make a
go ilving out of the society to which they
will leasis their services, so they must look out
for outside practice, and it is almost inevitable
that the regular practice for which they set
that da set amount will suffer and their main
orderwors go to their outside paying paleants. For these outside patients they
set to the families of their lodge patients and
strive to supplied the family doctor there
of methods that a decent man would blush for.
The lodges are made up cutriely of people who
set of a high order of intelligence, and who,
selfen poor, think they are saving money by
supposing a physician that charges small fees,
seen though he be incompetent. They are
needly tenement house cases. I've known one
of these fellows to go into a tenement and examine ten cases in half an hour, diagnose them
said prescribe. Now what kind of treatment
can a physician give in that way?

But does the regular practitioner want tenment house cases or go into that the of practice is any great extent? asked the reporter.

oriantly house cases or go into that hae of practice is any streat extent? asked the reporter.

oriantly house cases or go the that hae of practice is any streat extent? asked the reporter.

oriantly house cases for any others, and
you may be sure that the tenement dweller
gets from him the same care and attention as
the would file were a millionaire. What does
the leage doctor charge? Twesty-five case a
line leage doctor charge?

WAR ON THE LODGE DOCTOR

DR. HILLIS CLASSES HIM WITH THE ADVERTISING OCICK.

Objectionable Methods Alleged to Be Used by Some Physicians to Obtain Practice at the Present Time—Harm Done to the General Practitioner and to the Public.

"Unless some radical reform is effected, there will not be left in New York at the end of fifty years a physician who is not attached to either a hospital or a corporation. The private doctor is being forced out of the profession."

This is the opinion of Dr. Thomas J. Hills of this city, whore writings in the medical journals upon the ethics of his profession have aroused wide attention and not a little bitter apposition. Last year he wrote an article on the abuse of medical charity and the pauper-like abuse of medical charity and the pauper-like abuse of medical charity and the pauper-like in the opinion. Last year he wrote an article on the abuse of medical charity and the pauper-like in the pauper-like in the pauper-like abuse of medical charity and the pauper-like in the

with virtuous indignation. He shouldn't charge more than 25 cents a visit for a case like visits.

"Having thus planted the seed of discontent he goes away with the knowledge that the case will probably be turned over to him shortly. And it usually is. The result is that all over the city cases are daily being taken from competent physicians who charge fair fees and given to incompetents whose charges are so small that they can't afford to give the necessary attention to the cases at the price. Consider the number of cases that a physician must treat daily on that financial basis in order to support himself and buy necessary books and instruments."

"The employees' organizations of the big department stores all have their own physicians, to whom a certain yearly amount is paid, suggested the reporter. "Do you rank these doctors as lodge doctors?"

"They are in the same general class," said Dr. Hillis. "I would not say that these organizations sell the office of medical attendant to the lowest bidder, as the lodges do, but they do not pay sufficient salaries to justify the doctor in devoting all his attention to their patients alone, and if they did the first-class physician would still hold himself aloof from this kind of practice. In this respect the ethics of the medical professions, No doctor of high standing will hire himself out; thas too much the appearance of being a servant in the eyes of the profession. If I visit you at your house and you pay me a feel am your equal, but if you hire me for a fixed sum by the year of the profession. If I visit you at your house and you pay me a feel am your equal, but if you hire me for a fixed sum by the year of the profession. If I visit you at your house and you pay me a feel am your equal, but if you hire me for a fixed sum by the year of the profession. If I visit you at your house and you pay me a feel am your equal, but if you hire me for a fixed sum by the year of the profession and manter of fact it pays goes on a league store in this city which alleges that i ues to the longe, at an average, whether they visit, this being pald, of course, whether they re well or ill. To hold his position against there eaget applicants he must sue and smirk and bootick and palayer, and throw away personal and professional dignity alike. Thus, in the making stepping stones of his

sonal and professional dignity alike. Thus, in addition to making stepping atones of his brother physicians, he poisons the well of popu-lar thought in regard to the profession which he so unworthly represents. In Dr. Hillie's article on the subject there is no remedy suggested. The reporter mentioned this fact and asked if he could suggest any method of controlling the spread of the lodge doctor.

method of controlling the spread of the lodge doctor.

"Certainly," said Dr. Hillis. "The remedy lies with the medical profession itself. These lodge doctors should be treated just as the advertising quack is now treated. No medical society or organization should admit a lodge doctor to membership. He should be reputiliated by every member of a reputable medical society. He should be reputiliated also by the college from which he graduated and by every the remained of that college. At present there are many of these men in our medical societies, Let reputable physicians har them out, and in time these wholesale practitioners will come to occupy the position in the public mind now held by the fakir who sells patient medicines on the street corners of country villages."

pressed the opinion that it was a dynamite bomb. The cylinder that had been removed

from the case was 2% inches long and 1 inch n diameter. It was filled with cotton and black powder. On the closed end was soldered a piece of copper wire. Carrying the cylinder in one nand and the paper case in the other, the policeman started for the Eldridge street station. Before he got there he was on the verge of neryous prostration. He walked through Grand street, which was crowded, and, fearing that he

street, which was crowded, and, fearing that he would collide with some one, Polsky kept yelling to pedestrians to get out of his way. When they paid no head to him he would yell:

"Look out! I've got dynamite!"

Fvery time he gave that warning women ran screaming into the roadway and men fied in all directions. Polsky finally reached the station, and, walking up to the desk, placed the two packages in front of Sergeant Thompson.

"What have you got?" asked the Bergeant.

"Dynamite bombs," responded the copper, briefly.

"Take them away from me!" yelled Thompson.

"Take them away from me!" yelled Thompson.

"Take them away from the yard!"

Polsky did as he was ordered. Doorkeeper Goottich was the only one who had pluck chough to examine the paper case closely. In it be found three other zine-covered cylinders auch as the one that had been brought to light. He shock some of the powder from one and toucled it with a lighted match. The powder layened, and that was sufficient evidence to the nellee that they had found explosives, but as the Burean of Combustables was closed for the day they couldn't get rid of the sleged hombs. A Sun reporter tried to borrow one last night in order to learn what it was, but he was informed that all four cylinders were locked up in a cell, and that no one was allowed to touch them.

TARRED AND FEATHERED HIM.

Joseph Thompson Thatcher Gets a Warm Beception at Annandate, N. J.

The little village of Annandale, N. J., fifty miles from New York, is very much stirred up ver the tarring and feathering of Joseph Thompson Thatcher, a well-known character of the village, which took place on Wednesday light. Thatcher had been at work for six weeks at Bethlehem. Pa, and on Wednesday lost his job. He returned to Annandale by a late train, and started for the home of his sister, Mrs. eter Yawger. He had been drinking.

Of what followed he can give no clear actree at his sister's gate. He was awakened, he says, by a dozen masked men, who pelted ong, doused him with a bucket of tar and finally rolled him in a feather bed, ripped open to re-

relied him in a feather bed, ripped open to reserve him.

Early next morning the milk man saw a white, black and yellow heap lying at Mrs. Yawger's door. He called a neighbor, Ike Smith, and as it'y started to investigate the beap rose, discooning the face of Thatcher above a body cludeniedly in a cost of tar and feathers. Thatcher retired for the day to his sister's barn, and after a partial cleaning up went to bed, where he has been ever since, suffering more from shock than from any actual injury.

Village gossies at once began to discuss the rientity of Thatcher's assultants and the residua for their action. They recalled that the wife of an insurance agent had left the village the day Thatcher went away to work. They decided that it was an dopement, and that the cost of tar and feathers was a just punishment for Thatcher's ingratitude. He and the insurance agent had long been friends. When the insurance agent had tong been friends. When the insurance agent had the rumor he merely analysis. He said that his wife was visiting a sister of Cinton. M.

Thatcher says that he knows who his assailants.

Takicher says that he knows who his assailants acre, and will make it warm for them their recovers. Thatcher is well educated, at has lost a number of good positions brough his designations. Ten years ago he epitated from his wife. Last year he went to be elevated from the wife. Last year he went to be elevated from his wife. Last year he went to be elevated from his made an unsuccessful attempt to reform. Since then he has spent very this time in Annandale.

SUSIE SWIFT TO BE A NUN FORMER SALFATION ARMY LASSIE TO ENTER A CONVENT.

Is a Graduate of Vassar College, and, After

Becoming a Brigadier in the Salvation Army, Joined the Catholic Church-Will Enter the Sacred Heart Monastery. Miss Susie F. Swift, formerly a Brigadier in the Salvation Army, whose conversion to the Roman Catholic faith a year and a half ago caused a commotion in the Army, is about to devote herself to a religious life by retiring from the world and entering a convent. Miss Swift is the daughter of a lawyer of Poughkeepsle and is a graduate of Vassar College. After graduation she went to Morristown, N. J., to teach higher mathematics and English in a girls' school there. On account of illness she went abroad afterward for rest. While in England she became interested in the work of the Salvation Army, and she attended the Army Training School in the East End of London. There she became the editor of All the World, the organ of the Salvation Army, and in that capacity trav-

the waifs of London and opened the Newsboys Home in Fleet street. At the time of the split in the Salvation Army here Miss Swift had charge of the Auxiliary League in England. She volunteered to come to this country, an example of one American who had been contented under the rule of Gen. Booth, and was ordered to sail immediately as secretary to Miss Eva Booth. Here she was re-

elled on three continents and spoke in many countries. She had charge of the work among

tained as the National Auxiliary Secretary. "It was in my work in the Auxiliary League," said Miss Swift at the time of her conversion, that I was naturally forced to examine more closely the grounds of my own faith, coming, as I did, in contact with hundreds of inquiries. and with ministers of all denominations. Before that I had been so busy at the work of the Salvation Army that I had little time for reflection. I had always regarded the Army as a mission and not as a church or denomination. Of course, I had always been familiar with the main teachings of Roman Cathelicism, but when I came to examine I grew satisfied that Christ did establish a visible church on earth, and that the Church of Rome was that visible church. For that reason I embraced the Cath-

Miss Swift found her new faith in the Paulist Church, and she went under the instruction of the fathers of that order previous to her final submission. When fully determined as to her course she left this country to go to London to notify Gen. Booth. While in Liverpool she partook of the holy communion in a Catholic church,

took of the holy communion in a Catholic church, the first Salvation Army member to go before a Catholic altar. In London her friends of years in Army work begged her to renounce her intention, but she remained firm in her purpose and changed the uniform of a Salvation Army lassis for the ordinary dress of a woman.

On her return to New York Miss Swift resumed literary work, necepting a piace in the office of the Catholic World Magnains, published by the Paulists, She devoted herself neartily to her duties and became a devout member of the parish. For a long time the desire to enter a convent had possessed her, and she finally determined to enter the mother house of the congregation of St. Catherine de Ricel of the Third Order of St. Dominic, a famous American convent at Albany, N. Y. This convent was established in 1880 by Lucy Eason Smith, daughter of Edwin Smith of this city, who was a civil engineer and was widely known for his work in connection with the laying out of New York city in the first helf of the century. In some respects the work of those sisters re-sembles that of the French Order of the Ladies of the Cenade, a congregation of thins which was established in this city a few years ago.

Life at the Monastery of the Sacred Heart,

at the Monastery of the Sacred Heart,

medicines on the street corners of country villages."

THESE BOMBS NEFER GO OFF.

Panhandler Found Them in the Bowery and the Felice Locked Them Up in a Cell.

A Bowery panhandler picked up a brown paper cylinder I foot in length and 1½ inches in diameter yesterday afternoon in front of Zimmermann's drug store on the southeast corner of the Bowery and Canal street. The panhandler thought he had struck it rich, and he started to examine his find.

Printed in small letters on the centre of the paper case was pulned. Therefore the content with the order of the paper case was pulned. Therefore the casing were removed a small zime-covered cylinder was exceeded. One end of it was closed. Without waiting to investigate further the panhandler went in search of a policeman. He found Policeman John Polsky a block away.

"Say, I found this thing in the Bowery, and you'd better take it to the station," he said, handing over his flad.

"What is it?" asked Polsky, marvelling that a pannandler would voluntarily give up anything of value.

"I lunno, but you'd better be careful," was the reply.

Polsky examined the zine cylinder and expressed the opinion that it was a dynamits bornt. The cylinder that had been removed daughter, Christobel. This child, now 15 years and 16 years and 16 years of her inches of he casing with the world comes to them and every evening the world. It is a hospital for sick souls. Although the secretion of her dopted daughter, Christobel. This child, now 15 years and the propose of her more also with the world does not man devery evening the paper side of the mental and spiritual instruction and recipied to the mental and spiritual instruction and recipied to the mental and spiritual uplifting of walks.

"The commanity there." she said, "devotes itself to the mental and spiritual uplifting of walks of the paper of the world of the world of the second year. The commanity there." She said, "devotes itself to the mental and spiritual uplifting of walks of the paper of the world of the world of the second y

adopted daughter, Christobel. This child, now 15 years old, she adopted twelve years ago, She has arranged with Mrs. Hose Hawthorne Lathrop to look after the welfare of the child, now at school in New Jersey. In the autumn Christobel will be placed in a school in East

Albany.
Mother de Ricci, the foundress of the congregation, who took the religious name of the patron saint, died in 1824, and Mother M. Loyola, O. P., the present prioress, succeeded her. Miss Swift is deeply attached to Mother Loyola.

THE FIGHT FOR SOUND MONEY.

New York State Bankers Indorse the Plan Presented by the Monetary Commission. NIAGARA FALLS, N. Y., July 23 .- When the second day's session of the New York State

Bankers' Association opened, this afternoon, Judge Dexter of Elmira presented to the retiring President, Mr. Hepburn, a silver-mounted gavel. A telegram was read from the Maryand Bankers' Association, in session in Ocean City, Md., extending greetings. F. R. Bocock

ity, Md., extending greetings. F. R. Beecek, New York, Secretary of the National Association of Credit Men, read a paper on "The Community of Interests Between Mercantile and Bank Credits."

The convention adopted resolutions indorsing the report of the Monetary Commission and the bill reported by it, declaring that final success in securing the clear and explicit establishment of the gold standard demanded steadards and persistent action by all citizens, and lighting that individual opinions should be sub-ordinated to the plan represented in the work of the Monetary Commission. The fourth resolution said:

wor't of the Monetary Commission. The fourth resolution sold:

"That while our navies and armies are demonstrating the prowess of American courage and skill in arms in a manner to win the atomiration of the civilized world in their fight in the cause of bumanity and better civilization, let us at home do a work as great in establishing a financial system that shell be stable and enduring and command the confidence and trust of every intelligent people where our flag shall be seen in the circuit of the carth."

Charles Adsit of Hornellsville was elected President; John B. Dutcher of Pawing, Vice-President; George W. Thayer of Bochester, Treasurer, and William I. Tabor of Herkimer, Becretary.

THE SHIP KENNEBEC LOST? Out 193 Days from Baltimore to San Fran

cisco with No Report of Her. BALTIMORE, July 23.—The ship Kennebec,

sount, but he believed that he fell asleep under | Capt. Lewis. which sailed from this port on Jan. 11 with a cargo of nearly 3,000 tons of coal for San Francisco, has in all probability him with had eggs, stripped him of his cloth- found a resting place with her luckless crew at the bottom of the ocean. She is out 193 days to-day, and there are only faint hopes that she to-day, and there are only faint hopes that she will ever be heard from again. She was a typical American clipper ship, with tail, stately masts and or a model like a yacht. She was built in Bath, Mr. in 1884, and made many voyages around Cape Horn to the Golden Gate. She was as statech as ships are, and with a fair wind was a wenderful salier, having once made over 350 indies in twenty-four hours. Her crew was shipped at this port, where Capt, Lewis, her commander, was well known in shipping circles. The road she carried was shipped by the Cons. lightion Coal Company, and her crew, all told, numbered about thirty men. She was towed to Cape Henry, where, with a fair wind, she set all sail and stood out to seu.

Old People in Bergen County Dropping Off. The following deaths were reported in Bergen county, N. J., during the week: At Woodaged 85, who starved himself to death, having refused to eat since July 4; at Old Kinderka-mack, Peter Moore, aged 87, a wealthy farmer; at Hackensack, Eitzabeth F. Chrystal, the widow of Capt, John Chrystal, aged 68, and Mrs. Mary T. Little, aged 77; at Ridgewood, Philip A. Ramé, one of the most expert tea tasters in the United States; at Englewood, lease J. Zabriskie, aged 73 years. NOTES OF LEGAL EVENTS.

The costs in the condemnation proceeding by which the Government of the United States is seeking to acquire 21st acres of land for fortification purposes on Fisher's Island are stated to be about \$6,000. The commission, consisting of John A. Taylor, former Corporation Counsel of Brooklyn; Lemuel E. Quigg, representative In Congress from this city, and John E. Cook, a re-ident of Sag Harbor, awarded the land-owners \$176,000, an amount which Mr. James I. Bennett the United States Attorney for the Eastern District of New York, prenounces grossly excessive. It seems that the whole Fisher's Island, which has an area of between 4,500 and 5,000 acres, was sold in 1889 for \$250,000. About forty acres of the property taken by the Government is swamp land, for which upward of \$800 an acre is allowed by the Commissioners. The expenses of the proceeding are more than the annual salary which Congress provides for the District Judge of the United States, who must confirm it in order to make it effective; but it is only fair to say that Mr. Bennett made no objection to this amount. Fisher's Island is the only important island along the New England coast which still belongs to New York. In colonial times Martha's Vineyard constituted Dukes county in this province. It retains the same county name under the State Government of Massachusetts. In the case of Graham vs. the Jersey City

Consolidated Traction Company, a father resovered a verdict of \$5,000 against the defendant for negligently causing the death of his 5-year-old child. This verdict has been set aside by Mr. Justice Gummere of the New Jersey Supreme Court, whose decision has excited considerable newspaper comment. He takes the ground that children are usually an expense rather than a pecuniary benefit to their parents, and argues that if the father of the child who was killed could reasonably regard that child's life as worth \$5,000, a family of ten children would represent a beneficial value of \$50,000 to the father. On the other hand, it frequently does happen that a child may grow up to contribute generously to the pecuniary welfare of his parents; and in this State the courts hold that in estimating the value of a child's life to his next of kin, the jury are not bound to consider only the services he might render up to the age of twentyone. Thus in the case of Birkett vs. the Knickerbocker Ice Company (110th vol., New York Reports, page 504), where there was a verdict of \$1,500 for the death of a little girl 4% years old, the Court of Appeals declared that after her majority she might in many ways have been of great pecuniary benefit to her father. Our courts have also repeatedly held that it would be error to instruct the jury that only nominal damages can be recovered in such a

Several interesting legal questions as to the presumption of survivorship among persons perishing by a common calamity have arisen out of the loss of the French steamer La Bourgogne. Thus in the Prerogative Court of New fersey, the Chancellor has been called upon to determine, if he can, whether Walter V. Clark f Hackensack or his wife perished first in the disaster. The couple were married the day beore the steamer left New York, and the husband then made a will under which his wife, if she survived him, would take all his property. Under the law as laid down by the courts of this State, and throughout the Union generally, in the absence of evidence justifying an inference one way or the other, there is no prosumption as to the order of the deaths of those who lose their lives in the same catastrophe. The civil or Roman law, however, indulges in presumptions based on age, sex, and other considerations; but, said Chief Judge Church, "Nothing can be more uncertain or unsatisfactory than this conjectural mode of arriving at a fact which from its nature must remain uncertain, and often upon the existence of which the title to large amounts of property depends." By the common law, where there is no proof on the subject of the actual survivorship, the fact is assamed to be unascertainable, and property rights are disposed as though death had or curred at the same moment. (Newell vs. Nicholl, 75th vol. New York Reports, page 78) In the Newell case a family of four were lost on the German steamship Schiller near the

The Supreme Judicial Court of Massachusetts has recently affirmed a conviction of murder in a case where the proof of the death of the pern alleged to have been killed seems to hav been less cogent than is generally required where criminal jurispratonce is administered according to the rules of the common law. The case appears in the pamphlet number of the ortheastern Reporter for July 15, 1898, under he title of the Commonwealth vs. Williams, and Mr Justice Oliver Wendell Holmes thus states the facts concerning the corpus deicti, as lawyers call it: "Early in the norming of July 28, 1897, the house of Gallo, the man alleged to have been murdered, was burned down. The remains of a human body of uncertain sex were found in the ruins. If we leave on one side the evidence bearing on the other issues of the case, there was no identification of the body otherwise than by the place where it was found, by the fact that Gallo had been seen at his house the previous evening nd was seen no more, and by a clasp of a pocketbook like Gallo's found near the remains." Judge Holmes expressly concedes that there was no direct evidence of the commission of a crime, yet holds that the murder of Gallo by the defendant was sufficiently established by other proof, especially as to bloodstains upon the clothing of the defendant and his possession of gold pieces such as Gallo was shown to have possessed.

In the State of New York no person can be convicted of murder or manelaughter unless the death of the person alleged to have been killed is established as an independent fact and by direct proof. Our Penai Code expressly so declares. (Section 181, Penal Code.) It seems very doubtful, therefore, whether the proof which the Massachusetts Supreme Court has icemed sufficient to sustain a conviction for urder in the case of the Commonwealth vs. Williams would be regarded as adequate in the courts of this State. It will be observed that he prosecution was not able to establish even he sex of the burned body. So far as the proof of identity is concerned the case differs essentially from the Commonwealth vs. Webster (5th vol. Cushing's Mass. Heports, page 205), cited in the opinion of Mr. Justice Holmes. The numan jaw which was found among the remains that Prof. Webster had endeavored to leatroy was conclusively shown by the dental work in it to be the jaw of Dr. Parkman.

The extraordinary claim that a valid Roman

Catholic marriage could be entered into by a couple who simply knelt together in private and piedged themselves in the presence of God to regard one another as husband and wife was put forward on the 6th inst. before Francis Jeune, President of the Probate Divorce and Admiralty Division of the High Court of Justice in England. Dr.Charles Oscar Murphy of Manchester alleged that he had married his housekeeper in this way in 1870, and proved without substantial contradiction that Father Birch, a Catholic priest, had advised him immediately afterward that the marriage was valid. He also produced a certificate made by the Vicar-General of Salford in 1882, declaring that he had been married to the lady in 1876 and showed still further that in 1688 Cardinal Vaughan, then the Boman Catholic Bishop of Salford, gave him a letter of recommendation to the Pope, in which he said that Dr. Murphy had set out for the Holy City, " accompanied by his rife." The object of the suit before Hir Francis Joune was to obtain a decree recognizing the marriage as lawful. Cardinal Vaughan was cailed as a witness, and said that the claim was a novel one to him, and that the Vicar-General should never have issued such a certificate. The Court refused to adjudge the union legal, but declared that no stone could be thrown either against the doctor or the lady.

LIFE TOPICS ABOUT TOWN. INSURANCE MEN YIELD.

VICTORY FOR COMMISSIONER CLUNIS OF CALIFORNIA.

He Succeeds in Getting the Foreign Insu ance Companies Doing Business in His State to Agree to Pay a Percentage of

Their Premiums-A Long Controversy. The controversy between Commissioner Andrew J. Ciunie of the California Insurance Department and the managers of the foreign insurance companies transacting the business of fire insurance in that State, which has been carried on for more than aix months, has finally been settled. Last January Mr. Clunic was appointed Insurance Commissioner, and immediately began a system of attacks upon the insurance companies. He notified the managers of insurance companies of foreign countries that he

in the Insurance Department of California previous to Mr. Clunie's advent, but from that construction Mr. Clunie dissented. He called attention to the fact that the American companies paid a tax of 2 per cent., while the foreign companies paid none, and he warned them that if they were protected by the courts he would apply to the next Legislature force them to pay the back taxes which he claimed were due since 1885. The aggregate amount of these unpaid taxes he estimated at \$279,581.

amount of these unpaid taxes he estimated at \$17(0.501).

About the middle of June Mr. Clunic came to New York and urged his claims before the resident managers here. He threatened to put cheh company represented in his State to the expense and annoyance of an examination, and to require such of the five companies as also conducted the business of life insurance to maintain a reserve the same as is required of ilfo insurance communies of the United States, and that for the purpose of ascertaining the amount of this reserve heabould make a valuation of their policies. To carry out this threat he proposed to go to England at the companies expense to value the policies of the English companies which, though they did no life insurance here, conducted such business on the other side.

lish companies which though they did no life insurance here, conducted such business on the other side.

To avoid this annoyance the New York managers effected an agreement with Mr. Clunie, but when it was submitted to the Pacific Coast managers, they refused to ratify it. Mr. Clunies their returned to San Francisco, began a libel suit against the Coast Review, an insurance journet, which severely criticised his course, and again trained his batteries on the Coast managers and finally brought them to an agreement.

Under the terms of this the foreign companies agree to pay Mr. Clunie for the use of the firemen's relief funds of California before Aug. 14 a sum equal to 1 per cent, of the net premiums on the California business in 1887, less \$1,000 expenses in the East on account of this controversy, and to make similar payments based on the net premiums of California business during the months of July in each year while Mr. Clunie is an houmbent of the office of Commissioner and also to readjust and reduce the rates in the city of San Francisco to a new schodule, conditioned upon the placing of the Fire Department of that city on a fully paid basis.

In return Mr. Clunie agrees to approve the

In return Mr. Clunic agrees to approve the to return ar. Claims agrees to approve the bonds of the companies and cease hostile interference with their business. He also agrees to release the companies from an agreement which he had secured from some not to join tariff organizations, and the agreement also states that it is understood that the payments provided for shall be in no way construed as an admission of the right of the State to collect a tax from the insurance companies under the tax from the insurance companies under the law of 1885, but that the sum shall be regardens a voluntary contribution in the interest

peace.

Mr. Clunic, however, serves notice upon the companies that he will start a legislative movement next year to compel them to pay taxes as do the American compenies.

OFF TO TRADE IN SANTIAGO. All the Passengers and Goods She Could

Carry on the Philadelphia. The steamship Philadelphia, chartered by the Ward line, left the foot of Wall street for Santiago at a few minutes after I o'clock yesterday afternoon, the American flag flying at her foremast. A crowd of 500 people saw her depart and choosed as she pulled out into the stream. The Philadelphia carries a remarkable cargo, duding beer, watermelons, medical supplies for the army as well as supplies for the Red Cross, a Cuban newspaper plant and instruments for the signal service station which is to be established in Cuba.

There were sixty-flye passengers on the for passage were rejected by the steamship people for lack of room. It was the same with freight. There wasn't anything like enough room for the freight that people wanted to send on the Philadelphia, and so preference was given to the class of goods that seemed to be most needed in Cuba.

on the Philadelphia, and 85 preference was given to the class of goods that seemed to be most needed in Cubs.

Among the passengers who sailed were a large number of former residents of Santiago, who, now that the American Army has established bease in the city, are returning to resume business. Capt. Theodosto Cajagai, who served in the Cuban Army up to a year ago, when he was stricken with malarial lever, was one of the passengers. He takes with him a hig consignment of provisions, which he will dispose of in Santiago for a New Pork commission house. Dr. A. Reyes Zamora, Enrique Trajillo, editor of Elborrenir, Mrs. Fanny B. Ward, one of Clara Barton's assistants, and a number of other Cubans and Americans were among the Philadelphia practically means the reopening of trade with Cuba. The Philadelphia is the first steamer to leave an American port for what is practically regarded as a foreign port, with the American flag at her foremast. But the Ward line folks don't regard look on it as an American city.

The arrival of the Philadelphia at Santiago will be a happy event for the boys of the Seventy-lirst Regiment, for, besinges nearly a ton of mall, she carries a package of goodies for nearly every one of the New York boys. Many speculative ventures in provisions have swelled her eargo.

cargo.

KENNEY JURY CAN'T AGREE. Fold by Judge Bradford to Consider the

Documentary Evidence. WILMINGTON, Del., July 23 .- The jury in the case of United States Senator Kenney at 4 o'clock this afternoon, having been out twentyseven hours, sent a note to Judge Bradford that they could not agree. The Court replied that they had not had time to properly consider the documentary evidence before them and should make a further effort to agree. No fur-ther word was had from the jury up to 0 o'clock this evening. The jurors are closely guarded, even the keyholes to the doors of the corridor in which they exercise being plugged with paper. Senator Kenney is in the city awaiting a de-

GAVE THE COP A DIG IN THE RIBS. Policeman Did Not Like It, So He Threw

the Lawyer on the Courtroom Floor. During the session yesterday of the Essex Market Court Policeman Marion, who was guarding the gate leading to the prisoners' inlosure, grabbed Lawyer Abram Pearlman by the waist and threw him on the floor. yer jumped to his feet and declared that the poyer jumped to his toot and declared that the bo-liceman had attacked him without provocation.

The policeman said that Pearlman came up-benind him and gave him a dig in the ribs, and that he threw him on the floor simply to show that he resented such familiarity. Pearlman was very indignant and when he left the court-room he said he was going to Police Headquar-ters to make a complaint against the policeman.

Quarrel Over Hyland's \$700,000 Estate, The application of Edward F Sullivan for letters of administration upon the estate of his uncle, Josiah A. Hyland, a lawyer of this city. who died incompetent a year ago leaving \$700,000, has been dismissed by Surrogate ritagerald. Sullivan is a nophew. Hyland, who was a bachelor, lived at the Benedict in Washington Square for several years. When he became deranged in 1894, his brother, Michael H. Hyland, took him to his home in Oseida county to live. The brother was appointed committee of his person and estate. The relatives are in dispute over the estate and the application of the nephew was resisted by the brother.

The trade of a milliner has been taken up within recent years by many a woman of refinement and position, so the announcement that another has gone into the business excites little or no comment. Most of those who have undertaken this means of livelihood have prospered, and some have done notably well. The mistakes which were made by some of the pionoers in this line of work are not repeated nowadays, for there is little of the artificial pose that existed at first in such attempts of women from society to invade a wholly different field. The first woman who opened a bonnet shop on Fifth avenue with no other capital than a well-known name drove her patrons away with greater rapidity than her name and the novelty of her situation could attract them. "That hat's absurdly young for you," and " you look like a fright to surance companies of foreign countries that he should require them, as a condition of granting them alrelicense, to pay a tax of 1 per cent, per annum on their premium receipts in each county or city in the State to the Treasurer thereof for all the time that they had been doing business there since 1885.

This tax was imposed by an set of the Legislature of March 3, 1885, and was intended to benefit the firemen's relief fund of such county or city. The law had never been enforced by the Insurance Department of California, because in a prepared case to test its constitutionality the Supreme Court of the State in 1888 declared that the act involved a tax for municipal purposes, and that all such taxes must be imposed by the municipality itself and not directly by the Legislature, and therefore the act was unconstitutional. This was the accepted construction of the law in the Insurance Department of California, was the accepted construction of the law in the Insurance Department of California, was the accepted construction of the law in the Insurance Department of California, was the accepted construction of the law in the Insurance Department of California, was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law in the Insurance Department of California was the accepted construction of the law pink," were examples of the politic speeches

Mrs. Antonio Terry, who was Sibyl Sanderson before her marriage, has returned to Paris from the Riviera, and is said to be almost cured of the serious filness which clouded the first months of her married life. It is now expected that she will soon be able to return to the operatio stage if she desires to, or enjoy in elsure the large fortune which her husband possesses. With all her European successes in opera, it is not probable that she was able to accumulate any fortune, as the expenses during the first few years of the prima donna's career are likely to be quite as great as the earnings. Costumes and the expenses of travel make this period of the operatio career without any appreciable profit. Miss Sanderson is said to have been supported entirely by her family while she was on the stage, although in many places large salaries were paid to her. As soon as she was married an illness from which it was thought she would never recover kept her an invalid for several months. The news of her recovery has been a source of pleasure to many persons, as she was popular not only among the members of her own profession, but with everybody who came have contact with her. Her geniality and amiability to her associates, as well as her gracious manners toward every one made her one of the most popular women on the operatic stage. to accumulate any fortune, as the ex-At least one more national element will not

be added to the population of the Tenderloin There will be no coffee houses there. The aptain of the precinct has decided that, and is determination means that German will not be one of the tongues of the cosmopolitan crowds that gather there every night. The coffee house is essentially German, although its guests may speak other languages. It prospers on the lower east side, and these places are abundant. In some blocks they appear to be the chief industry of the inhabitants. On the chief industry of the inhabitants. On some of the lower west side streets they are also found. But they are sporadic and out of their element when not in the streets of east side Jewish and German districts. The propersor who attempted such an earbhishment within a block of Broadway and suddenly withdrew siter two days of possession, was aspiring. He showed that he was polite when the apologized, said good-by formally, and returned to the home of the coffee house. The woman who made a similar effort further uptorn did not retire as promptly, and realized how premature her ideas of New York's progress were only through the agency of a bench warrant. Those two examples show plainly the fate of the coffee house above Fourteenth street, and the decision of the Captain of he precinct not to allow that cheaper form of vice to show itself in a region that is already worse than it ever was before, cannot be praised too highly. So another language will not be added to those that now dominate upper Broadway at night. French with the dialect of Heighim and English with the dialect of Chicago will maintain their old supremacy. eago will maintain their old supremacy. The fortunes of the Olympia, whatever the

may be, will doubtless be little affected by the various projects to buy the building which are described from time to time. Many of the persons who would like to be regarded as possible purchasers of the building never have the pleasure of seeing their names placed bere the public in that light. If they did the situation would be more humorous than it really is. One of the latest schemes to attract attention by posing as a possible blider is nothing more complicated than visit by two or three men to the building. Then they send out word that they have examined the building and express themselves as determined to make a satisfactory report to the syndicate which they represent. The proprietors of the building are only an used by these efforts of various persons to stand in the shadow of the theatre and get whatever publicity they can out of it. It advertises the building and does nobody any harm. The most that it could do would be to put up the ante and make it difficult for genuine purchasers. But these men are scarcely of importance enough to cause even that result. A similar let of men appeared before the Metropolitan Opera House was taken by Abbey & Grau. Then the number of competitors was quite as large and quite as uninvortant in character as the industrious army of Olympia bidders. The most picturesque figure among these was a man who solemnly proposed to bring from Italy a company containing the best singers there and led by a tenor who had once appeared here at the Metropolitan. Latte attention was paid to this proposal, but the slight investigation revealed that he could not have hought a scerage ticket to Italy for himsed. But he was going to inspert an entire company. Olympia has recently produced some shothar cases, ethough none of them was more remote than this bidder for the lease on the Metropolitan was fullding. Then they send out word that similar cases, eithorgo none of them was more remote than this bidder for the lease on the Metropolitan was. Last week marked the lowest ebb to which

New York has dropped in many summers. That not a single theatre was open offers in itself some cyldence of the absolute stagnation that prevailed. In the spring it was prophesied hat the war would have the effect of keeping many persons in town who were in the habit of spending the summer months in the neighbor ing resorts, and the necessity of entertaining them would cause an unusual abundance summer entertainment. The exact reverse proved to be the case. New York is quieter this year than it ever was there are fewer available places of amusement and apparently less demand for them than there has been in many summers. New York has settled down into a stretch of midsummer quiet which neither needs nor asks for any enlivenment to awaken it from the duliest summer through which the city has passed in many a year. Even the floating population, which at this period of the year keeps the hotels full and demands entertainment has not appeared. It is they who give the greatest appearance of liveliness to the town with the star-at-home permanent population in the background. But this summer their rooms at the hotels await them while they refuse to come. Only in the remascence of one or two roof gardens, the sky dining of the big hotel and the restaurant in the park have there been any of the customary signs of summer gayety. proved to be the case. New York mer gayety.

In New York there is one girl who was pos ably more astonished than anybody else who leard the story of Lieut. Housen's feat Santiago. She had known him for only a short ime, and her acquaintance with him was in deed confined to the short time in which they talked one evening. For one reason they taked one evening for one reason or another, she never thought that he was the man who would undertake such a deed of valor as that he accomplished at santiago. "We were going to dance one night at a party," she said, "and the rooms were very crowded. We were forced to varie the autside of the crowd, and finally found ourselves in the hall. "We can't dance here, I said. "I cannot even hear the music." But we can dance to the music of our hearts, he answered. I was surprised when I heard about the Merrimac."

Died on a Long Island Bailroad Tcain. B. J. Connell, a printer, 48 years old, died on Long Island Railroad train while on his way rom East New York to Long Island City yeserday morning. Connell lived at the corne Railroad avenue and Crescent street, East New Railroad avenue and Crescent street, East New Fork, and was in good health when he left home to catch the train. He was identified by a memisership eard in Typographical Union as 6. He was employed in the office of the Exening Telegram. Heart disease was given as the cause of death.

WHID UP THE RACE BETURNS.

Chief Murphy of Jersey City Finally Gots Evidence Against a Poolroom. Chief of Police Murphy of Jersey City bas sus-pected for some time that a poolroom was in operation over John Fick's salcon at 135 York street, but was unable to get any evidence, Chief Murphy finally enlisted the services of Police Telegraph Superintendent Foley, and he traced a Western Union telegraph wire to the

rear of Fick's saloon.
Yesterday afternoon Chief Murphy, Superintendent Foley and Detective Larkins went to the place and rapped on the door of the supposed poolroom. There was no answer, and the party climbed out on the roof of an extension, and got into the room through a window They found there Harry Roberts, 31 years old. of Hackensack, a telegraph operator, and John

of Hackensack, a telegraph operator, and John Grey, 25 years old, of 298 York street, Jersey City, a stenographer.

There was a telephone in the room and a telegraph instrument was discovered on the roof of the extension. Superintendent Foley found that the results of the races were being sent in, that took charge of the instrument. Then the telephone bell rang and Chief Murphy put the receiver to his ear.

"What the hell's the matter with that second race?" somebody at the other end inquired.
"I don't know," replied the Chief. "I guess it must be delayed."

The Chief's voice was not familiar to the man at the other end, and he asked who was there.
"Jack," replied the Chief. "Jack Grey."

"Oh, no; you ain't Jack Grey," was the next the Chief heard, and the conversation ended attruptly with that.

Roberts, Grey and Fick were arrested and admitted to ball to appear for examination to-morrow morning.

DR. TAYLOR NOT TO BLAME,

How the Brick Church Congregation Came to Be Disappointed Last Sunday.

morrow morning.

With reference to the non-appearance of the Rev. Dr. William R. Taylor of the Brick Church. Rochester, who had been announced to preach at the Brick Church in this city last Sunday, the Rev. Mr. Hallock, Mr. Taylor's assistant, sends the following to THE SUN:

"Early in the year Dr. Taylor engaged to supply a Sunday in the Brick Church. But when, upon his physician's advice, he decided, in June, to take a trip to Europe and a cruise to June, to take a trip to Europe and a cruise to Norway, he immediately wrote to the Brick Church cancelling the engagement. Evidently this letter was overlocked or went astray. But on the Thursday hefore Dr. Taylor was to preach Mrs. Taylor noticed a statement in a New York paper that he was announced to preach. Thinking to make doubly sure that there would be no mistake, she immediately wrote to the Chairman of the Supply Committee in New York interming him of Dr. Taylor's absence. This letter she addressed to the officer, care of the Brick Church. The sexton of the church received the letter, but did not deliver it to the officer till he came to church on Sunday morning. This was after the congregation had gathered."

LONG ISLAND'S GANG OF BURGLARS. Sheriff Wood Makes One Arrest and Hopes to Capture the Others Soon.

RIVERHEAD, L. I., July 23,-Sheriff Wood thinks he is on the track of a gang of robbers who have been operating extensively among the South Side villages. A short time ago the country residence of Dr. Charles Remsen at Speenk was burglarized and a large amount of sliverware and other valuables taken. A few silverware and other valuables taken. A few nights ago an attempt was made to burglaries Gilbert Tuthill's house, which is now occupied by a Mr. Bryan of Boston. Mr. Bryan complained to Sheriff Wood.

Chauncey Hallock was suspected. A warrant was obtained and Deputy Sheriff Edwin B. Winters of Westhampton searched Hallock's house at Eastport. He found there a quantity of the stolen alverware belonging to Dr. Remson and arrested Hallock. The authorities expect that Hallock will confess and that other arrests will follow.

MARINE INTELLIGENCE.

Sun rises ... 4 49 | Sun sets., 7 23 | Moon sets., 9 54 BIOH WATER-THIS DAY. andy Hook. 10 45 | Gov. Isl'd. 11 18 | Hell Gate.. 1 119

Airived-Satunday, July 23. Se Friesland, Nickels, Antwerp July 9.
Se Bellucis, Iverisen, St. Lucis.
Se Oberon, Lesley, Shields.
Se Sparten Prince, Adamson, Naples.
Se Station, Boyd, New Orleans.
Se Old Dominion, Tapley, Norfolk.
U. S. cruiser Harvard, Cotton, Annapolis.
U. S. transport Breakwater, Hampton Roads.

Sail To-Morrow, Old Dominion, Richmond Poll carp, Para, &c. 100 P M Sail Tuesday, July 28. Sail Wednesday, July 27.

INCOMING STRAMSHIPS.

Alexandra... La Gascogno. Dunkirk nday, July 25 Due Tureday, July 26. Due Wednesday, July 27 Queenst wn . irsday, July 18.

Hamburg

July I

Due Friday, July 29.

Business Antices.

Permit No Substitution. Insist Upon Having CARL H. SCHULTZ'S pure, correct Mineral Waters TEXTS.

CHRYSTAL. - 11 11 h mack, N. J., on Friday July 22, Ehrabach F. in yetal, wife of the lat John Chrystal. - gr ! 60 years.

Funeral at her late residence, Sunday, at 4 P. 1 Interment private.

L'MMERE. -Entered into rest on Saturday more ing, July 23, Elizabeth Stryker, widow of Barke Gummere, Esq., in the 75d year of her age. Funeral services will be held at her late residence

188 West State at., Trenton, N. J., on Tuesday July 26, at 12 o'clock noon. Interment at our conjence of the family. OP.L. Augusto, on July 22, at Hempstead, Lor

Island, in the 74th year of his are. Funcial services will be held at the Church of s. Vincent de Paul. 25th st., between 6th and 7th are., New York city, on Monday, July 25, at his

OTIS. At his residence, Bellport, L. L., on Friday July 22, 1898, James Otts, Esq., in the 62d yet of his age. Funeral at Christ's Chapel, Bellport, L. L. Monda

July 25, on arrival of train baying Long Isla City at 5:30 A. M. Special train will return New York immediately after services. PRANKARD. Soldenly, on Friday, July Catherine Waiter, widow of John Prankard. Funeral services at her late residence, 275 Cli

mont av., Brooklyn, on Sunday, July 24, at-STEW ART. On Saturday, Daniel Stewart, aged 5

Relatives and friends are respectfully suv. t. d attend the funeral services from his late red dence, two Carlton ac., on Monday, at 2 P.3

Coloraine Chronicle plans copy.
TUNIS.-A: Quoque, L. J. on Friday, July 22, Mar.
E. Taris, youngest do gotter of the Inte-Calche and Rhoda Sanda Tuni: Funeral services at the Church of Hely Commun on Monday, July 25, at 4 o'clock P. M.

THE KENSICO CEMETERY Private station is Limitalifond, 45 minutes -tle from the Grad Central Report Office, 16 East 42d st.

Sperial Motices.

VISIT DR. J. PARKER PRAY CO.'S OB. ROPODY and MAN'S THE PARLORS; suggested to project the control of the parlors of the parlor